



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Patent Examining Operations**



**27162**

PATENT TRADEMARK OFFICE

Applicant(s): Mosca, et al.

Serial No: 09/267,456

Filed: March 12, 1999

Title: Mesenchymal Stem Cells as Immunosuppressants

Attorney

Docket No.: 640100-295

Art Unit: 1644

Examiner: Ewoldt

Customer No. 27162

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**TRANSMITTAL LETTER**

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Washington, D.C. 20231

SIR:

Enclosed please find the following:

1. Request for Continued Prosecution Application;
2. Petition for three months Extension of Time (small entity);
3. Check No. 6351 in the amount of \$830.00; and
4. A self-addressed, postage paid, return receipt postcard, date stamp and return of which is respectfully requested.

The Commissioner is authorized to charge payment of any additional filing fees required under 37 C.F.R. 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No. EF010576407US

Deposit Date: December 26, 2001

I hereby certify that this paper and the attachments hereto are being deposited today with the U.S. Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above addressed to:

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*Raymond J. Lillie*  
Raymond J. Lillie 12/26/01  
Date

Respectfully submitted,

*Raymond J. Lillie*

Raymond J. Lillie, Esq.

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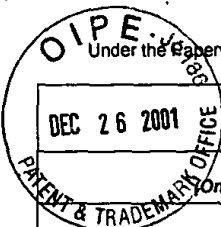
01-02-02

#16 CPA/1644

PTO/SB/29 (10/00)

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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
Only for Continuation or Divisional applications under 37 CFR 1.53(d)

CHECK BOX, if applicable:

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Address to:

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Washington, D.C. 20231

Attorney Docket No. of Prior Application	640100-295
First Named Inventor	Mosca
Examiner Name	Ewoldt
Group Art Unit	1644
Express Mail Label No.	EF010576407US

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This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/267,456, filed on March 12, 1999,  
entitled "Mesenchymal Stem Cells as Immunosuppressants".

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either:  
(1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice" Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 35 CFR 178(a)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☒ Enter the unentered amendment previously filed on August 2, 2001, under 37 CFR 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
    - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
  - ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CPA, Washington, D.C. 20231.  
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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) OR (i))	4 - 20* =	0	x \$ ____ =	\$ 0
	INDEPENDENT CLAIMS (37 CFR 1.16(c) OR (i))	2 - 3** =	0	x \$ ____ =	0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ ____ =	0
				BASIC FEE (37 CFR 1.16)	\$740.00
				Total of above Calculations =	\$740.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				\$370.00
	* Reissue claims in excess of 20 and over original patent.				
	** Reissue independent claims over original patent.				
	TOTAL				\$370.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 03-0678.
- a. ☒ Fees required under 37 CFR 1.16
- b. ☒ Fees required under 37 CFR 1.17
- c. ☒ Fees required under 37 CFR 1.18
8. ☒ A check in the amount of \$370.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired  
(prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein)
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other:

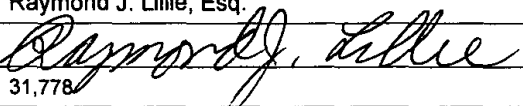
**NOTE:** The prior application's correspondence address will carry over to this CPA **UNLESS** a new correspondence address is provided below

**14. NEW CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	<b>27162</b> (Insert Customer No. or Attach bar code label here)	or <input type="checkbox"/> New correspondence address below
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Name					
Address					
City					
Country	State	Zip			
Telephone	Fax				

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print Type)	Raymond J. Lillie, Esq.
Signature	
Registration No. (Attorney/Agent)	31,778
Date	December 26, 2001